

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

2009 MAR 13 P 2:58

United States of America

v.

Rodriguez Dewayne Stewart

Date of Previous Judgment: May 25, 2004
(Use Date of Last Amended Judgment if Applicable)Case No: CR103-00087-001USM No: 11799-021

William Sussman

Defendant's Attorney

CLERK *B. McCarthy*
SOUTHERN DISTRICT OF GEORGIA

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>34</u>	Amended Offense Level: <u>34</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>262</u> to <u>327</u> months	Amended Guideline Range: <u>262</u> to <u>327</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): The amendment to the crack cocaine guideline does not result in a change to the defendant's advisory guideline range as he is a career offender. The defendant's guidelines offense level are determined pursuant to the provisions of U.S.S.G. § 4B1.1.

III. ADDITIONAL COMMENTS

The Court considered the facts of this case and all relevant factors of 18 U.S.C. § 3553(a), specifically deterrence, punishment, and protection of the community, when determining the appropriate sentence in this case.

Except as provided above, all provisions of the judgment dated May 25, 2004, shall remain in effect.

IT IS SO ORDERED.

Order Date: March 13, 2009

Effective Date: _____
(if different from order date)

Dudley H. Bowen, Jr.
Judge's signature

Dudley H. Bowen, Jr.
United States District Judge
Printed name and title